

Hazardous Waste Management Commission Report

Quarterly Report

January - March 2017



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Hazardous Waste Management Commissioners

Elizabeth Aull, Chair

James "Jamie" Frakes, Vice Chair

Charles "Eddie" Adams

Michael Foresman

Mark E. Jordan

"The goal of the Hazardous Waste Program is to protect human health and the environment from threats posed by hazardous waste."

For more information:

Missouri Department of Natural Resources

Hazardous Waste Program

P.O. Box 176, Jefferson City, MO 65102-0176

dnr.mo.gov/env/hwp/index.html

Phone: 573-751-3176

Fax: 573-751-7869

Past issues of the Hazardous Waste Management Commission Report are available online at dnr.mo.gov/env/hwp/commission/quarterlyreport.htm.



**Missouri Department of Natural Resources
Hazardous Waste Program**

Letter from the Director

Dear Commissioners:

This edition of the quarterly report covers the first quarter of the year from January 1 - March 31, 2017. We began the New Year with Governor Greitens' inauguration, and his appointment of Carol S. Comer to his executive cabinet as the Director of the Department of Natural Resources. Most recently Ms. Comer served as Commissioner of the Indiana Department of Environmental Management (IDEM) under former Governor and Vice-President Mike Pence from 2015 until joining the department. We look forward to working with Director Comer as we continue to protect our environmental resources and encourage economic growth.

During this quarter program staff continued to track proposed legislation that could affect the program and/or the department, and provided information on a variety of environmental issues to our elected officials, as questions arose.

As you know, we did not hold a February meeting of the Hazardous Waste Management Commission. There were no action items slated for consideration by the Commission. To most effectively use our state resources and the commissioners' time, the February meeting was canceled. RSMo 260.365 relating to the Commission notes that "...the Commission must hold at least four regular meetings per year..." Our schedule currently is set at six regularly scheduled meetings per year; this allows the Commission Chair some flexibility to cancel meetings when they determine it would not be productive to hold a meeting.

Staff continued the statutory review of rules required by legislation passed in 2012. This legislation provided that every five years a notice is published, opening up all rules to a 60 day comment period; whereas all state agencies must do a review of each rule, noting if it is necessary, continues to be necessary, is obsolete, overlaps other rules or has other conflicts. Proposals are being developed that will clean up outdated language and references created by prior amendments to the rules, and for removal of those rules that are no longer appropriate. The completed report on our rule review is due to the legislature by June 30, 2017.

Staff Director Steve Sturgess left the Hazardous Waste Program in January, taking over the Regional Director's position at the Kansas City Regional Office. We wish Steve all the best in his future endeavors, although his leadership here will be missed. I am honored to continue to serve in the capacity of Acting Director until a new Program/Staff Director is appointed and look forward to working with the commission during this time.

Sincerely,



Angie McMichael
Acting Director

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Brownfields/Voluntary Cleanup Program Certificates of Completion

Brownfields are real property where the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight and takes development pressures off greenspaces and working lands. Through this program, private parties agree to clean up a contaminated site and are offered some protection from future state and federal enforcement action at the site in the form of a “no further action” letter or “certificate of completion” (COC) from the state.

Brownfields Voluntary Cleanup Program (BVCP) issued eight COCs for various sites from January through March 2017. This brings the total number of COCs issued to 853.

East Ellis Hall - UCM, Warrensburg

The East Ellis Hall – UCM site is located at 31 Anderson St., Warrensburg. The 5.29 acre property is occupied by a five-story multi-wing building that is used as a residence hall by the University of Central Missouri (UCM). The property was originally developed for use by UCM after 1950. Prior to being part of the UCM campus, the property was used for residential purposes.

A Phase I Environmental Site Assessment identified a 3,000-gallon underground storage tank (UST) used for heating oil as the only recognized environmental condition for the property. In June 2015, the UST was removed from East Ellis Hall in general accordance with the 2013 Missouri Risk-Based Corrective Action (MRBCA) Process for Petroleum Storage Tanks. Sixty-eight gallons of residual heating oil was recycled and 128 cubic yards of contaminated soil was disposed of as special waste. Nine soil samples and one water sample were collected from the excavation pit and analyzed for BTEXN (benzene, toluene, ethylbenzene, xylene and naphthalene), total petroleum hydrocarbons-diesel range organics, oil range organics and polynuclear aromatic hydrocarbons. Contaminant exposure pathways were assessed and contaminant concentrations were compared to the MRBCA risk-based target levels (RBTLs) for residential use. All concentrations were below residential target levels for each exposure pathway and thereby met the requirements for unrestricted use. The department determined the site is safe for its intended use.



Antioch Crossing, Kansas City

The Antioch Crossing site is located at 5261 N. Antioch Road, Kansas City. This site has been developed since the 1950s and was the former location of the southern half of the Antioch Mall, which is now demolished. The mall building was previously enrolled in the BVCP for abatement of asbestos-containing materials (ACMs) and lead-based paint (LBP). The northern half of the mall remains, but is not included as part of this site. Recognized environmental conditions include several former drycleaning businesses.

Contaminants of concern identified at the site included chlorinated solvents associated with the former drycleaning businesses, particularly tetrachloroethylene (PCE), trichloroethylene (TCE), and vinyl

chloride (VC), detected at concentrations exceeding the MRBCA guidance document's default target levels (DTLs). The contaminants of concern in the soil were below the DTLs. The groundwater plume was delineated, and six quarterly monitoring events showed it to be stable and/or decreasing. A Tier 1 MRBCA risk assessment showed that the groundwater contaminants of concern fell below residential RBTLs. A vapor mitigation system has been installed on the building constructed at the site. However, since the risk assessment showed that the site is acceptable for residential or unrestricted use, no environmental covenant is required. The department determined the site is safe for its intended use.

A Walmart Neighborhood Market has been constructed at the site and is expected to continue operating there.

Canadian Pacific - Liberty Yard-Tract 2, Liberty

The Canadian Pacific – Liberty Yard-Tract 2 site is located at 421 Suddarth St., Liberty. This portion of the site contained elevated arsenic in the surficial soil in an oil storage area. The concentration at one boring was in excess of the residential target level.

The only area affected by contamination above the residential target levels was the area around the waste oil containers. A soil sample taken from a stain at the containers in 2011 indicated arsenic at 35.8 mg/kg. The residential level of arsenic is 3.89 mg/kg. After remediation, this area was resampled at several locations in 2016 and arsenic within the top foot was below background levels. In addition, no staining was noted at that time. The department determined the site is safe for its intended use.

Coves Plaza, Kansas City

The Coves Plaza site is located at 5557 NW Barry Road, Kansas City. This site includes a commercial retail strip center with approximately 16,000 square feet of space. Chlorinated solvents are present in the soil and groundwater due to a dry cleaning facility on-site.

PCE was found in the groundwater off the southeast corner of the property building, above the MRBCA RBTLs for non-residential land use. Delineation found the contamination to be localized to this area. Continued groundwater monitoring showed the concentration decreasing over time, so that the average concentration was well below the non-residential RBTL. Remaining PCE concentrations are still above the drinking water standard, as well as the residential RBTL for the indoor-air inhalation pathway. An indoor air sample was found to contain PCE below the non-residential RBTL. The site met non-residential use standards with a restrictive covenant. The department determined the site is safe for its intended use.



Liberty Commons, Liberty

The Liberty Commons site is located at 2007 and 2017 W. Kansas St., Liberty. The site is approximately 32 acres and has operated as a commercial retail space since the 1980s. An August 2015 Phase II Assessment identified the presence of TCE and PCE in soil and groundwater related to the historical dry cleaning facilities, which operated in adjacent buildings.

A work plan to delineate contaminants identified in the 2015 Phase II was approved by the BVCP in December 2015 and carried out in January 2016. The results indicated one surficial sample contained PCE above DTLs, but below residential standards for ingestion, dermal contact and inhalation. A comparison of previous groundwater and soil results also indicated that contamination was above DTLs, but below levels for safe residential use. Since the groundwater pathway is incomplete, the site therefore qualifies for unrestricted use. The department determined the site is safe for its intended use.

The site is currently being redeveloped for reuse as a retail space.

Northern Missionary Baptist Church, St. Louis

The Northern Missionary Baptist Church site is located at 3333 Clara Ave., St. Louis. The site is owned and operated by the Northern Missionary Baptist Church since purchasing the property from the city of St. Louis in 2004.

A June 2016 Phase I investigation identified former dry cleaners within the current site boundaries and on adjacent parcels to the north, east and south. A July 2016 Phase II found dichloroethene impact to



sub-surface soil as well as VC and PCE impact to groundwater. A comparison of contaminant levels to residential target levels found contamination to be above levels for safe domestic use of the groundwater, but below levels of concern for vapor intrusion. Due to the Saint Louis city ordinance which prohibits the installation of private wells, the domestic use pathway was considered incomplete. The site therefore qualified for unrestricted use. The department determined the site is safe for its intended use.

Cornerstone Church, Springfield

The Cornerstone Church site is located at 1701 S. Fort Ave., Springfield. Cornerstone World Outreach enrolled a 4.74-acre parcel of its larger 20-acre property to investigate possible petroleum contamination from off-site properties.

Site investigations revealed detectable petroleum hydrocarbons related to gasoline in subsurface soil. Soil samples in a limited area of the site exceeded the department's standards for subsurface soil for unrestricted use based on the vapor intrusion exposure pathway. No on-site sources of petroleum releases were identified. The site had been sampled as part of the investigation of a nearby former gas station at 1211 W. Sunshine to the southeast of the site that operated from 1961 to 1990. A major spill at the station in 1980 resulted in gasoline exiting Elfindale Spring to the northwest of the property.

The spill most likely migrated beneath the subject site to reach the spring. However, the distribution of gasoline detections in soil found in the 2015 investigation was determined by the Hazardous Waste Program's (HWP's) Tanks Section as not consistent with the gas station spill as a source. Several other current and former stations to the south and southwest of the property also had documented petroleum releases, and files were reviewed by the BVCP. None could be clearly connected to the relatively low levels found on the subject property.

At the department's request, Cornerstone performed additional soil sampling to delineate the contaminated area, followed by soil vapor sampling which is considered to be a more accurate assessment of vapor intrusion risk to any future building placed on the site. Soil vapor was found to be below both current target levels based on residential use, as well as more conservative alternate screening values used for comparison, thus meeting the requirements for unrestricted use. The department has determined that the site is safe for its intended use.

Faxon School Apartments, Kansas City

The Faxon School Apartments site is located at 3701 Paseo Blvd., Kansas City. The property is approximately 1.62 acres in size and included a vacant three-story elementary school building and its associated parking lot. The building was originally constructed in 1910 with subsequent additions made in 1921. The original facility consisted of three smaller buildings that were likely removed when the current building was constructed on the property. The Kansas City Missouri School District operated the Faxon School from at least 1910 until approximately 1996.

In accordance with the approved Remedial Action Plan for ACMs, LBP and hazardous waste dated July 2, 2014, and Remedial Action Plan Addendum dated July 7, 2015; approximately three cubic yards of thermal system insulation vibration damper cloth in the basement, first floor storage room and gymnasium were removed. One hundred eighty square feet of 9x9 floor tile and mastic in the closet and restroom in Room 204 was removed using proper wet methods. Asbestos waste materials were transported by Deffenbaugh Disposal Service to the Johnson County Landfill. Six fire doors were removed during general demolition.

Stabilization and encapsulation was performed for approximately 50,402 square feet of plaster walls and 42,968 square feet of plaster ceilings. Lead Barrier Compound was used to coat the surface of these areas. Based on the sample results, the lead debris was disposed of at a general landfill as construction debris. The LBP Operations and Maintenance Manual was filed with Jackson County in the chain of title for the property on Jan. 12, 2017. The department has determined the site is safe for its intended use.



The property was redeveloped to a 46 unit independent senior living facility known as the Faxon School Apartments. The Faxon School Apartments officially opened in March of 2016.

Sites in BVCP

Month	Active	Completed	Total
January 2017	220	849	1069
February 2017	218	851	1069
March 2017	219	853	1072

New Sites Received: 10**January**

Laclede Gas Station G-Lot B1, St. Louis
Lewis & Clark Professional Building & Plaza, Jennings

February

Sunset Ford Car Dealership (former), Sunset Hills
St. Mary's Hospital (former), Jefferson City
Mattie Rhodes Center (future), Kansas City

March

Northtown Development Co.-Leo Eisenberg Site, North Kansas City
Jefferson Arms Building, St. Louis
TJTRs LLC (dba Woody's Grocery), Agency
Southern Material Handling (former), Springfield
Shriners Hospital (former), Frontenac

Sites Closed: 8**January**

Antioch Crossing, Kansas City
Canadian Pacific - Liberty Yard-Tract 2, Liberty
Liberty Commons, Liberty
Northern Missionary Baptist Church, St. Louis

February

East Ellis Hall - UCM, Warrensburg
Cornerstone Church, Springfield

March

Coves Plaza, Kansas City
Faxon School Apartments, Kansas City

Drycleaning Environmental Response Trust Fund

HWP's Drycleaning Environmental Response Trust (DERT) Fund provides funding for the investigation, assessment and cleanup of releases of chlorinated solvents from drycleaning facilities. The two main sources of revenue for the fund are the drycleaning facility annual registration surcharge and the quarterly solvent surcharge.

Registrations

The registration surcharges are due by April 1 of each calendar year for solvent used during the previous calendar year. The solvent surcharges are due 30 days after each quarterly reporting period.

Calendar Year 2016	Active Drycleaning Facilities	Facilities Paid	Facilities in Compliance
January - March 2017	111	45	40.54%

Calendar Year 2017	Active Solvent Suppliers	Suppliers Paid	Suppliers in Compliance
January - March 2017	11	2	18.18%

Cleanup Oversight

Calendar Year 2017	Active Sites	Completed Sites	Total
January - March 2017	14	16	30

New Sites Received: 0

Sites Closed: 0

Reimbursement Claims

The applicant may submit a reimbursement claim after all work approved in the work plan is complete and the DERT Fund project manager has reviewed and approved the final completion report for that work. The DERT Fund applicant is liable for the first \$25,000 of corrective action costs incurred.

Month	Received	Under Review	Processed
January	0	0	0
February	0	4	0
March	4	8	3

Month	Received	Under Review	Processed
January	\$0.00	\$0.00	\$0.00
February	\$0.00	\$44,326.03	\$0.00
March	\$0.00	\$101,143.88	\$57,254.25

Three reimbursement claims were processed during this period:

American Cleaners (Ballwin)	Ballwin	\$31,083.50
Tri-States Service Company-East Trafficway Site	Springfield	\$24,453.75
Yorkshire Cleaners	Marlborough	\$1,717.00

Total reimbursements as of March 31, 2017: \$3,047,139.78

DERT Fund Balance as of March 31, 2017: \$120,408.05

The Hazardous Waste Permitting Process

Several decades ago, the U.S. Congress passed laws to address public concerns about the management of hazardous waste. The laws are known as the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA). These laws authorized the federal government to establish a system for managing hazardous waste from the time it is produced until it is recycled, treated or disposed, including when it is transported and stored. The laws also authorized the investigation and corrective action for all hazardous waste or hazardous constituent releases from a facility. Under certain conditions specified in these regulations, companies currently treating, storing or disposing hazardous waste, or did so in the past, may be required to get a hazardous waste permit. The regulations the U.S. Environmental Protection Agency (EPA) wrote to implement RCRA and HSWA are found in the Code of Federal Regulations.

What Is a Hazardous Waste Permit?

A hazardous waste permit is a legally-binding, enforceable document allowing a company to actively treat, store or dispose hazardous waste; requiring a company to investigate and cleanup releases of hazardous waste and hazardous constituents from their facility to the environment; or a combination of both. A typical hazardous waste permit contains the following information:

- A description of the facility's design and operation.
- Safety standards and activities the company must follow, such as monitoring and reporting.
- Requirements for developing emergency plans, providing insurance and financial backing, training employees in handling hazardous waste and closing areas of the facility after the company has stopped operating in that area.
- Unit-specific requirements such as long-term monitoring and maintenance activities (post-closure) for areas of the facility where hazardous waste or hazardous constituents will remain in place after closure is complete (i.e., landfills).

In Missouri, a hazardous waste permit may actually include two separate permits. EPA has the authority to authorize the states to administer all or part of the federal regulations through a state "RCRA-equivalent" hazardous waste program. Missouri adopted most of the federal regulations, which are incorporated by reference in the Code of State Regulations (CSR). The requirements Missouri adopted and EPA authorized Missouri to administer are contained in a Missouri Hazardous Waste Management Facility Part I Permit, which is issued by the Missouri Department of Natural Resource

In some instances, EPA will issue a Hazardous and Solid Waste Amendments Part II Permit. This permit contains the federal RCRA requirements administered by EPA that Missouri has either not adopted or has adopted, but EPA has not yet given Missouri temporary or final authorization to administer. EPA does not issue a Part II Permit if it has no specific conditions for that particular facility, beyond those contained in the Part I Permit, and Missouri is fully authorized for all permitting, post-closure and corrective action activities at that facility. If both permits are required, they are normally issued at the same time and are good for up to 10 years. The length of the permit is limited to ensure that the facility's activities are periodically reviewed.

Who Needs a Hazardous Waste Permit?

Missouri companies actively treating, storing (for more time than allowed by the hazardous waste generator regulations) or disposing hazardous waste in Missouri are required to get a hazardous waste

permit. Proposed new companies must have a hazardous waste permit before beginning construction. Generally, companies producing hazardous waste do not need a hazardous waste permit if they store it according to hazardous waste generator time frames and do not treat it. Companies only transporting hazardous waste may need other types of permits or licenses, but not a hazardous waste permit.

When Congress passed RCRA and HSWA, all existing facilities that treated, stored or disposed hazardous waste in a manner that would require a hazardous waste permit were required to notify EPA and apply for the permit, unless the facility chose to close those operations. Because of the large number of existing facilities, Congress set up requirements which allowed these facilities to operate temporarily under “interim status” until they received their permit. Certain closed hazardous waste treatment, storage or disposal facilities (i.e., those that had or should have had interim status) may also be required to get a hazardous waste permit in order to investigate, monitor and clean up releases of hazardous waste and hazardous constituents to the environment, from their facility.

What Are the Steps In the Permitting Process?

The hazardous waste permitting process requires a significant amount of time and effort. Each participant plays a distinct and essential role. The company must carefully consider the hazardous waste regulations when developing and submitting an application. The department and EPA must review the permit application to ensure it is complete, adequate and protective of public health and the environment. The agencies also invite the public to voice any concerns they may have, offer suggestions, and have an active role in the permit application review and decision-making processes. This coordination of efforts helps to ensure the environment and citizens of Missouri are protected.

Step 1: Start the Process

At least 90 days before submitting a permit application to build, substantially change or operate a hazardous waste land disposal facility (i.e., a landfill) state hazardous waste regulations require the company to submit a letter of intent to the department. The department arranges for this letter to be published once a week, for four consecutive weeks, in a newspaper serving the county where the facility is currently or proposed to be located.

Before submitting a permit application for a new hazardous waste treatment, storage or disposal facility, or a permit application for renewal of an existing hazardous waste permit, where the company is requesting a major change to the facility’s operation, state hazardous waste regulations require the company to hold an informal “pre-application” public meeting. At the public meeting, the public can ask the company questions and offer suggestions regarding the facility and proposed operations. Company employees can also address any public concerns.

Step 2: Apply for a Permit

The company submits a two-part permit application to both the department and EPA. Part A of the application includes a form containing general information about the facility. Part B contains very detailed and highly technical information, which may be several volumes long, consisting of hundreds or thousands of pages. The application focuses on the following information:

- How the facility will be designed, built, operated and maintained to manage hazardous waste safely and responsibly.
- How any emergencies and spills will be handled, if they occur.

- How the company will remove and clean their equipment and structures when they no longer want to operate in an area of the facility.
- How the company will investigate, monitor and cleanup any releases of hazardous waste and hazardous constituents to soil, groundwater, surface water and sediment at their facility.
- How the company will demonstrate financial resources are set aside to cover all closure, post-closure care and any investigation and cleanup costs until these activities are completed, even if the company declares bankruptcy.

Step 3: Receive, Review and Revise the Application

HWP's Permits Section initially reviews the permit application to make sure it is complete, ensuring the company included information addressing all applicable areas of the hazardous waste regulations. The focus during this stage is only the company's attempt to address the areas of the regulations, not the technical accuracy of the application. If the application is incomplete, the department sends a request to the company, listing the information necessary to make the permit application complete. When the application is complete, the department notifies the public that a complete permit application was received and it is available for public review. The department places a copy of the complete permit application and any supporting documents in a publicly accessible location near the facility, usually a public library.

The department, and in limited instances EPA, then carefully review the details of the application to ensure it follows applicable state and federal laws and regulations. The department and EPA also review the planned design and operation of the facility for sound engineering practices and principles. This review of the application may result in lengthy technical comments from the department or EPA or requests for the company to provide additional information. The company sends responses on the comments or additional information to the department and EPA and revises the permit application if needed. The department and EPA review the new information and, if necessary, additional comments are sent to the company. This cycle continues until the application is technically adequate, which can take a long time and requires a great deal of coordination between the department, EPA and the company. The overall technical review time depends on the quality of the permit application. The more complete and technically adequate the permit application, the less time it will take to review.



A department engineer reviewing documents submitted by a regulated facility.

Step 4: Draft Permit

When the technical review is complete, the department and EPA prepare either a draft permit or a notice of intent to deny the permit application. The permit application can be denied if it is inadequate or the company fails or refuses to make the requested changes. A draft permit is prepared if the permit application is complete, technically adequate and meets all applicable legal, regulatory and engineering requirements. The draft permit states the proposed conditions the facility will be required to operate under if the permit is approved. The department also prepares a fact sheet briefly describing the facility activities and any legal or procedural issues considered when preparing the draft permit or notice of intent to deny.

The department and EPA then notify the public that a draft permit or notice of intent to deny was prepared and is available, along with the supporting documents, for public review and comment. If EPA prepared a draft Part II Permit, the department and EPA usually combine the public notice for both proposed decisions. The department places a copy of the draft permit, or notice of intent to deny and supporting documents in the same publicly accessible location as the permit application, as well as the department's Elm Street Conference Center in Jefferson City and EPA's Information Resource Center in Lenexa, Kansas. The department also posts an electronic copy of the draft permit or notice of intent to deny, on the department's website. Supporting documents are not usually available on the department's website because of their large file size.

Step 5: Public Comment Period

The day the newspaper publishes the notice about the draft permit or notice of intent to deny marks the beginning of the 45-day public comment period. During this time, the public can review the draft permit or notice of intent to deny and send written comments to the department and EPA, either through regular mail or an electronic Public Comment Form on the department's website. Comments are effective if they point out specific legal or technical issues in the permit application or proposed permit decisions. Comments that only generally support or oppose a permit will not affect the outcome or content of the final permit. Written comments are welcome any time up to the end of the public comment period.

This is also the time the department will hold any public meetings or hearings about the draft permit or notice of intent to deny, if needed. A public hearing is automatically scheduled if the draft permit includes active land disposal of hazardous waste. The department or EPA can also schedule a public meeting or hearing at their own discretion due to overall community interest or other factors. If one is not scheduled, anyone can submit a written request during the public comment period for a public meeting or hearing. In either case, the department notifies the public about the public meeting or hearing at least 30-days before the event.

Step 6: Final Permit Decision

After the public comment period ends, the department and EPA review all written comments and any comments given at the public hearing, if one was held. If the department and EPA find their proposed decision to deny the permit application was incorrect, they will withdraw the notice of intent to deny and prepare a draft permit. If the department and EPA originally prepared a draft permit, the permit may be approved as written, changed or denied based on technical or legal issues brought up by the public comments. Ultimately, the department and EPA prepare either the final permit or a final decision to deny the permit. The department and EPA also write a summary and response to all public comments and explain how each was addressed in making a final decision regarding the draft permit or notice of intent to deny.

The department and EPA then notify the public when they issue the final decision. If EPA issues a final Part II Permit, the department and EPA usually combine the public notice for both final decisions. The department places a copy of the final decision and Summary and Response to Comments in the same publicly accessible location as the draft permit, or notice of intent to deny, as well as the department's Elm Street Conference Center in Jefferson City, Mo. and EPA's Information Resource Center in Lenexa, Kan. The department also posts an electronic copy of the final permits on the department's website, where they remain as long as they are in effect. The company, or anyone negatively affected by the issuance or denial of the hazardous waste permit, or specific conditions in the permit, then has 30 days from the date the decision was signed to file an appeal, if they so choose.

How Can the Public Get Involved?

Specific participation requirements for each step in the hazardous waste permitting process are outlined in 10 CSR 25-8.124; however, the department routinely goes above and beyond the regulatory requirements. The best way to receive direct notification from the company, department or EPA about these public involvement opportunities is to have your name added to the facilities mailing list. A sign-up sheet is available at public meetings, or you may call or write the company or the department at any time, to request to be included on a facility's mailing list.

The department firmly believes those who must live with the outcome of an environmental decision are entitled to know what is going on, have the opportunity to raise relevant concerns and have an active role in the decision-making process. Not only does public input help the department and EPA reach better technical solutions, it can also help the facility make better business and technical decisions.

Regional Office Hazardous Waste Compliance Efforts

- Conducted 69 hazardous waste generator compliance inspections:
 - 18 large quantity generators
 - 26 small quantity generators
 - 16 conditionally exempt small quantity generators
 - One focused compliance inspection
 - Six E-waste facilities
 - Two resource recovery facilities
- Issued 34 letters of warning and seven notices of violation (NOVs) requiring actions to correct violations cited during the 69 inspections conducted
- Of the seven NOVs issued, there were four referrals to consider further enforcement action
- Conducted three compliance assistance visits at hazardous waste generators
- Received 16 citizen concerns regarding hazardous waste issues and conducted field investigations on 11 citizen concerns

Special Facilities Unit

Commercial Facility Inspectors

Special facilities inspectors conducted 13 inspections of commercial hazardous waste treatment, storage and disposal facilities.

Polychlorinated Biphenyl (PCB) Inspector

The inspector conducted 19 compliance inspections at various types of facilities throughout the state. The inspector's reports are forwarded to EPA Region 7, which has authority for taking any necessary enforcement action regarding PCBs according to the Toxic Substances Control Act.

Hazardous Waste Transporters

Sixty-five Hazardous Waste Transporter License compliance background checks were completed. Staff also updated the Missouri's List of Licensed Hazardous Waste Transporters. The list includes transporters licensed to haul hazardous waste, infectious waste and used oil in Missouri and it can be accessed on our webpage at dnr.mo.gov/env/hwp/transporters.php.

Hazardous Waste Enforcement Unit

Enforcement Efforts

- Resolved four hazardous waste enforcement cases
- Received 10 new enforcement cases were assigned to the enforcement unit

Crocker Conoco, Crocker

On April 2, 2015, the Southeast Regional Office inspected the Crocker Conoco facility for used oil concerns. Staff discovered a catastrophic release of oil had occurred because a large quantity of used oil was being improperly held in the facility's secondary containment structure, along with scrap metal and other items. A valve on the structure had been opened, causing the release. Crocker

was sent NOV #19459SE (and another for water violations) on April 24, 2015, for failure



to properly manage used oil. A follow-up inspection on July 1, 2015, verified the used oil violations had been corrected. An initial penalty of \$5,000 was calculated and, taking into consideration the extensive cost of cleaning up of the release, the department agreed to suspend the entire amount provided that no further hazardous waste violations occur in a two year period. (See cover photo).

Pesticide Collection Program Activities

Commercial Pesticide Applicator Training

During January, program staff participated in the commercial pesticide applicator training certification and re-certification training throughout Missouri. The presentation focused on pesticide waste management and pesticide spill preparation. A total of 2,061 applicators attended one of the training days in Springfield, Kansas City, Columbia, St. Louis or Cape Girardeau.

Pesticide Collection Events

The program conducted two pesticide collection events in March. The first event was in Portageville at the University of Missouri – Fisher Delta Research Center on March 11, 2017, collecting 27,855 pounds of waste pesticide from 22 participants. Farmers delivered several large trailer loads of bulk pesticide. Containers ranged from quart-sized to several hundred gallons. Numerous unlabeled containers were collected and verified by the contractor to contain pesticide. This is the third year in a row a collection was held in Portageville at the University of Missouri – Fisher-Delta Research Center.



The second collection was near Fairfax on March 25, 2017, at the University of Missouri – Graves Chapple Research Center collecting 1,392 pounds of waste pesticide from eight participants. Although the event was not nearly as successful as the Portageville event, several containers of restricted use and banned pesticide were collected, including Furadan and Chlordane. One farmer brought in Chlor-O-Pic pesticide which can be used as a fumigant in grain bins and Chlor-O-Pic is labeled as an inhalation hazard. The contractor

overpacked the box of Chlor-O-Pic into a sealed plastic container to protect workers on-site and workers thereafter from the associated inhalation hazard. This was the second year in a row a collection was held at Graves-Chapple Research Center.

Four remaining events scheduled for 2017 include:

- St. Peters, June 3, 2017, 8 a.m.-noon, University of Missouri Extension Center – St. Charles County, 260 Brown Road, St. Peters, Mo 63376
- Sikeston, June 24, 2017, 8 a.m.-noon, DeWitt Auction Co., 220 DeWitt Drive, Sikeston, Mo 63801
- Chillicothe, July 15, 2017, 8 a.m.-noon, Litton Ag Center, 10780 Liv 235, Chillicothe, Mo 64601
- Lockwood, Oct. 14, 2017, 8 a.m.-noon, S&H Farm Supply, 7 State Road A, Lockwood, Mo 65682

Check out the Pesticide Collection Program webpage at dnr.mo.gov/env/hwp/pesticide for fliers.

UST Compliance and Technology Unit (CTU)

Federal rule changes

In 2015, EPA promulgated significant changes to the UST regulations. Missouri's new regulations, which incorporate the federal changes, will be effective May 30, 2017. The rules include new testing requirements for release detection equipment; overfill prevention equipment (i.e., flapper valves, ball float valves and alarms), spill buckets, and containment sumps. Previously deferred airport fuel hydrant systems and field constructed tanks will now be regulated. Missouri must also include a new requirement for all new systems installed after July 1, 2017, to be double walled with enhanced leak monitoring. For the final draft, updates and information on these upcoming rule changes, please visit our webpage at dnr.mo.gov/env/hwp/ustchanges.htm.

Guidance documents and rule interpretation assistance are now available on the webpage above, including Missouri's "Musts for USTs", a guidance document outlining the requirements for operating facilities. Stay tuned for more publications soon, including Missouri's "Straight Talk on Tanks," a guidance document providing details on release detection requirements.

Operator Training

Operator training is available online. Class A/B operator training and Class C operator training are both available, as well as a "test only" option. The department and the Missouri Petroleum Storage Tank Insurance Fund (PSTIF) will also be accepting reciprocity from some of our neighboring states. The training program may be found on PSTIF's webpage at optraining.pstif.org/intro/.

Tank Inspections

The department inspections continue, including the new installation inspections, out-of-use sites and complaint/suspected leak investigations. In addition, the contract inspector continues to inspect the majority of operating UST facilities. As seen in previous years, Missouri owners, operators and contractors continue to demonstrate their proactive compliance by being responsive to issues when found, demonstrating a willingness to be a partner in ensuring all Missouri USTs are in compliance.

Financial Responsibility

Efforts continued to resolve violations with facilities not maintaining a financial responsibility mechanism to address releases and to protect third parties. Because of these efforts by the UST/CTU staff and the Attorney General's Office (AGO), the number of facilities without a verified financial responsibility mechanism is less than 2.0 percent.

Enforcement Efforts

In this time period, eight Notice and Order to Abate Violations Orders were drafted (i.e., UST closure-only, UST financial responsibility, UST remedial, and above-ground storage tank remedial) and are under review by department counsel.

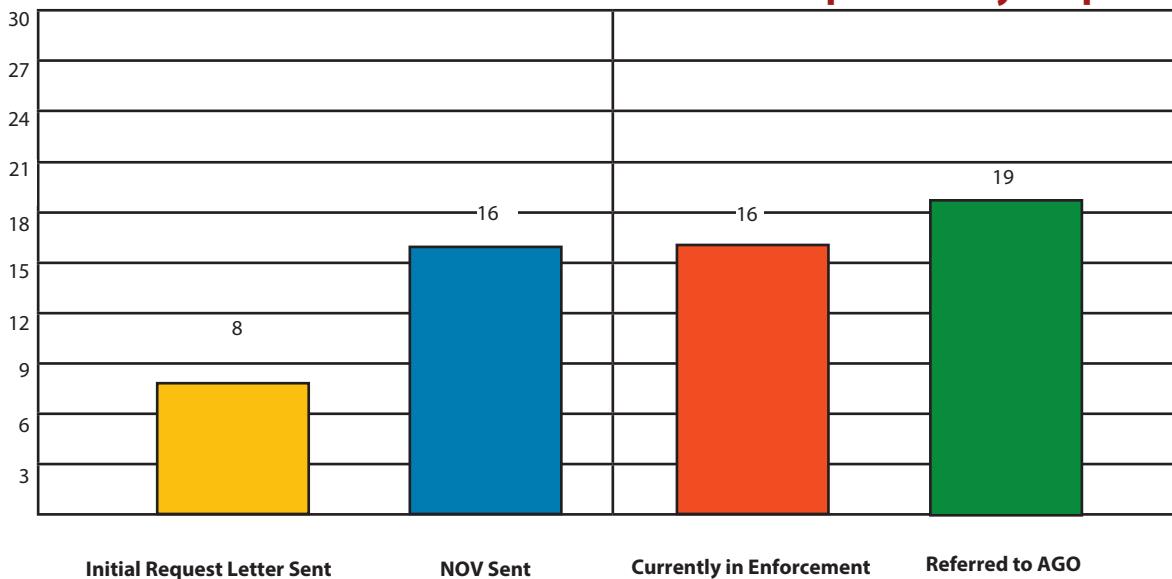
The following enforcement actions were taken in this quarter:

Facility/Responsible Party	Summary of Violation	Resolution Summary and Compliance Status
Everyday Store #1070 17121 E. 40 Highway Independence, Mo	Financial responsibility violation.	Consent Judgment entered. Civil penalty of \$46,000 imposed with \$30,000 suspended. Site part of global case with the Air Protection Control Program.
Expressways Food Shop #1 221 E. Young Warrensburg, Mo	Financial responsibility violation and failure to comply with previous Consent Judgment.	Case closed as entity for which Consent Judgment was entered was no longer viable.
Fast Gas & Snacks #2 1901 E. Mechanic Street Harrisonville, Mo	Financial responsibility violation.	Preliminary Injunction Order entered to lock out USTs. Default Judgment was later entered which requires permanent closure of USTs.
GRP Petroleum (dba Phillips 66) 913 N. Scott Ave. Belton, Mo	Financial responsibility violation.	Referred to AGO.
MK Enterprise, LLC 708 A St. Creighton, Mo	Financial responsibility violation.	Referred to AGO.
Tobacco Discounts, LLC 1116 S. Crysler Independence, Mo	Financial responsibility violation.	Consent Judgment entered. Civil penalty of \$12,000 with \$7,000 suspended.
Wildcat Corner 817 Neosho Blvd. Neosho, Mo	Financial responsibility violation.	Consent Judgment entered. Civil penalty of \$15,000 with \$7,500 suspended.
NN & N2, LLC 1500 N. Highway 7 Pleasant Hill, Mo	Financial responsibility violation.	Referred to AGO.
Speedie Food Mart 786 Highway O & NN Pacific, Mo	Financial responsibility violation.	Referred to AGO.
Moore's Market 3328 N. Glenstone Springfield, Mo	Financial responsibility violation.	Referred to AGO.
Bruner's Oil & Lubricant 203 Highway 61 N. Portageville, Mo	Failure to comply with release response and corrective action.	Consent Judgment entered. Civil penalty of \$43,000 with \$10,000 suspended.
Aanaser, Inc. 9666 Watson Road St. Louis, Mo	Financial responsibility violation.	Consent Judgment entered. Civil penalty of \$5,000 with \$2,500 suspended.

Beth's Osage Mini Mart 915 E. Main St. Warsaw, Mo	Financial responsibility violations, failure to provide notification to the department, and to comply with reporting and recordkeeping.	Consent Judgment entered. Civil penalty of \$20,000 with \$10,000 suspended. Remedial actions conducted.
The Grand Reserve 925 Grand Blvd. Kansas City, Mo	Financial responsibility violation.	Consent Judgment entered. Civil penalty of \$15,000 with \$10,000 suspended.
Full Circle C Store 6356 State Highway 125 S. Chadwick, Mo	Financial responsibility violations and failure to complete and file an updated registration.	Referred to AGO.
KC Shell (Shell 5849) 7905 E 171 st St. Belton, Mo	Financial responsibility violation.	Referred to AGO.
Shell 5847 5401 NW 64 th St. Kansas City, Mo	Financial responsibility violation.	Referred to AGO.
KC Shell - SE 519 3900 Noland Road Independence, Mo	Financial responsibility violation.	Consent Judgment entered. Civil penalty of \$21,000 with \$16,000 suspended.
Mark Twain Citgo 4425 N. Highway 70 St. Charles, Mo	Failure to meet UST upgrade requirements, and failure to investigate and conduct remedial actions.	Consent Judgment entered. Civil penalty of \$20,000 with \$10,000 suspended. Remedial actions conducted.
Bozless LLC 2 N. Main St. Farmington, Mo	Failure to comply with out-of-use requirements for USTs.	Consent Judgment entered. Civil penalty of \$18,158.33 with \$12,105.54 suspended. Closure of USTs to occur.
Pleasant Hill Fast Stop 301 S. 7 Highway Pleasant Hill, Mo	Financial responsibility violation; failure to meet UST upgrade requirements; and failure to comply with corrosion protection requirements.	Consent Judgment entered.
High Ridge BP 2909 High Ridge Blvd. High Ridge, Mo	Permanent closure of UST violation.	Consent Judgment entered. USTs permanently closed.
Flash Market #332 240 State Highway F Cardwell, Mo	Financial responsibility and permanent closure violations.	Settlement agreement with operator entered. Civil penalty of \$1,000 paid. Case remains open to pursue owner for permanent closure of USTs.
Wentzville Citgo 701 W. Pearce Blvd. Wentzville, Mo	Failure to comply with release investigation and remediation of petroleum.	Consent Judgment entered. Civil penalty of \$44,200 with \$22,400 suspended. Remediation issued No Further Remedial Action letter.

UST Facilities with Unknown Financial Responsibility Status Report

Financial Responsibility Status	Number of Facilities
Initial Request Letter Sent	8
NOV Sent	16
Currently in Enforcement	16
Referred to AGO	19
Total Number of Facilities with Unknown Financial Responsibility	59

Number of Facilities in Each Financial Responsibility Step

Department Attends PACE of Mid-America

Staff from the HWP's Tanks and Compliance and Enforcement sections recently attended the Petroleum & Convenience-Store Association Exposition of Mid-America (PACE) held in Kansas City in February 2017. PACE is a Midwest tradeshow with more than 4,000 attendees from the four-state area of Missouri, Kansas, Iowa and Nebraska. This regional tradeshow attracts many key industry leaders and this features the latest in petroleum and convenience store products, tank system equipment, hardware, soft goods, technology and the hottest new trends and services.

Staff had a chance to meet and inform members of the industry in an informal setting. Many questions were answered, policies discussed and even a few compliments were received.

Tanks Section Planning Workshop at MWCC Conference

The Tanks Section is participating on the Advisory Board of the Missouri Waste Control Coalition to help plan the 2017 Missouri Waste Coalition Conference (MWCC) at the Tan-Tar-A Resort at the Lake of the Ozarks on July 16 through July 18. The Tanks Section will also be holding a tanks workshop as part of the conference. This will be the ninth annual workshop in conjunction with the MWCC Conference events. This workshop is targeted toward environmental consultants who provide services to tank owners and operators. The workshop will provide consultants with information and training regarding free product recovery, plume stability and other remediation topics.

Missouri Department of Natural Resources - Hazardous Waste Program

TANKS

Petroleum Storage Tanks Regulation March 2017

Staff Productivity	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	TOTAL
Documents received for review	185	224	215	199	196	157	178	163	213	0	0	0	1,730
Remediation documents processed	151	218	227	186	175	119	133	194	188	0	0	0	1,591
Closure reports processed	3	18	15	13	6	7	11	22	7	0	0	0	102
Closure notices approved	12	8	11	14	5	10	10	10	11	0	0	0	91
Tank installation notices received	7	7	5	4	2	5	7	4	4	0	0	0	45
New site registrations	5	6	3	1	2	2	1	3	1	0	0	0	24
Facility Data	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	TOTAL
Total in use, out of use and closed USTs	41,146	41,170	41,191	41,216	41,226	41,236	41,250	41,280	41,292	0	0	0	
Total permanently closed USTs	32,217	32,253	32,287	32,317	32,335	32,346	32,377	32,441	32,460	0	0	0	
In use and out of use USTs	8,929	8,917	8,904	8,899	8,891	8,890	8,873	8,839	8,832	0	0	0	
Out of use USTs	721	702	693	699	679	674	661	636	639	0	0	0	
Total hazardous substance USTs	405	405	404	404	404	404	404	404	404	0	0	0	
Facilities with in use and out of use USTs	3,430	3,425	3,421	3,420	3,419	3,417	3,412	3,404	3,401	0	0	0	
Facilities with one or more tank in use	3,176	3,177	3,173	3,170	3,174	3,175	3,174	3,173	3,169	0	0	0	

Closures

Underground Storage Tanks	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	TOTAL	All Yrs
Closure Reports Reviewed	3	18	15	13	6	7	11	22	7	0	0	0	102	
Closure Notices Approved	12	8	11	14	5	10	10	10	11	0	0	0	91	
Number of Tanks Closed (Closure NFA)	9	61	41	16	51	50	49	99	57	0	0	0	433	

Cleanup

Underground Storage Tanks	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	TOTAL	All Yrs
UST release files opened this month	5	9	12	10	9	5	9	12	4	0	0	0	75	6,847
UST cleanups completed this month	4	19	16	7	18	10	10	17	17	0	0	0	118	6,089
Ongoing UST cleanups	797	787	782	786	777	772	773	768	758	0	0	0		
Aboveground Storage Tanks														
AST release files opened this month	0	1	2	1	0	0	3	4	0	0	0	0	11	498
AST cleanups completed this month	0	3	4	0	2	0	0	0	3	0	0	0	12	321
Ongoing AST cleanups	178	176	174	175	174	174	177	180	177	0	0	0		
Both UST and AST														
Total release files-both UST & AST	0	1	0	0	0	0	0	0	0	0	0	0	1	83
Cleanups completed-both UST & AST	0	0	0	0	1	1	0	0	1	0	0	0	3	57
Ongoing cleanups-both UST & AST	28	29	29	29	28	27	27	27	26	0	0	0		
Unknown Source														
Total release files-unknown source	0	1	1	0	0	0	0	0	0	0	0	0	2	230
Cleanups completed-unknown source	0	0	0	0	0	0	0	0	0	0	0	0	0	214
Ongoing cleanups-unknown source	14	16	17	17	17	17	16	16	16	0	0	0		
Documents Processed	151	218	227	186	175	119	133	194	188	0	0	0	1,591	

* Reopened Remediation Cases was added Nov. 18, 2009 - the cumulative total has been queried and a running total will be tracked/reported with the FY 2010 Tanks Section Monthly Reports.

Effective December 2008 tanks with unknown substance will be included in total figures. Some measures are re-calculated each month for all previous months to reflect items added or edited after the end of the previous reporting period.